



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

State Board of Architectural Examiners
Burt Building
Dallas, Texas

Gentlemen:

Attention: Mr. Thos. D. Broad

Opinion No. 0-2263

Re: Use of rubber stamp by
architects as a seal.

This will acknowledge receipt of your letter of April 19, 1940, requesting the opinion of this department upon the following question:

"Requests have come to this Board from a number of architects for permission to use a rubber stamp on their plans in lieu of the impression Seal which the Board has, to date, instructed them to use.

"The impression Seal cuts the drawings and draws them out of shape making it difficult to get clear blueprints.

"While the Law states in Section 10 that 'Every registered architect shall obtain and keep a seal, such as is authorized, prescribed, and approved by the Board of Architectural Examiners,' ---as a practical matter it would be wise to interpret 'Seal' in this case to include a rubber stamp. In your opinion, can this be done?"

Section 10 of Article 249a, Vernon's Annotated Civil Statutes, reads as follows:

"Section 10. Every registered architect shall obtain and keep a seal, such as is authorized, prescribed, and approved by the Board of Architectural Examiners, with which he or she shall stamp all drawings or specifications issued from his or her office for use in this State.

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The design of the seal shall be the same as that to be used by the Board of Architectural Examiners as provided for in Section 3 of this Act, except that it shall bear the words 'Registered Architect, State of Texas, instead of 'Texas Board of Architectural Examiners.'

At common law, a "seal" was an impression on wax or some other tenacious substance capable of receiving and retaining an impression. English v. Helms, 4 Tex. 228. Insofar as private seals are used at all, the use of wax or other adhesive substances has never been required in Texas; a mere scroll with the word "seal" written on it is recognized as a sufficient seal. Muckelroy v. Bethany, 23 Tex. 163; Fleming v. Powell, 2 Tex. 225. The only requisite of a public seal is that it contain enough to show its official character and that it make a clear and distinctive impression. 24 R. C. L. 694.

It is to be noted that under Section 10 the seal to be used by registered architects is to be authorized, prescribed, and approved by the Board of Architectural Examiners. The only qualification upon their administrative discretion is that the design of the seal shall be the same as that used by the Board itself except that it shall bear the words "Registered Architect, State of Texas", instead of "Texas Board of Architectural Examiners". With this qualification we believe that the form of the seal is entirely a matter within the administrative judgment of the State Board of Architectural Examiners, and it may if it so desires allow architects to use a rubber stamp on their plans in lieu of the impression seal which the Board has heretofore instructed them to use.

Yours very truly

ATTORNEY GENERAL OF TEXAS

APPROVED JUN 21, 1940

(s) Gerald C. Mann

ATTORNEY GENERAL OF TEXAS

By

(s) Walter R. Koch
Assistant

By

(s) James D. Smullen

JDS:RS

APPROVED OPINION COMMITTEE
By B.W.B. Chairman